

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Pagnamenta	Team: Squad #02	CCRB Case #: 202006351	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/18/2020 11:43 AM	Location of Incident: Eastbound on the Grand Central Parkway, near LaGuardia Airport	18 Mo. SOL 5/4/2022	Precinct: 115		
Date/Time CV Reported Fri, 09/18/2020 2:43 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 09/18/2020 2:43 PM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Joseph Vitale	24	953539	HWY 03		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Joseph Vitale	Off. Language: Police Officer Joseph Vitale made an offensive comment towards § 87(2)(b)				

Case Summary

On September 18th, 2020, § 87(2)(b) filed the following complaint via the CCRB's Online Processing System.

At approximately 11:43 a.m., on September 18th, 2020, § 87(2)(b) was driving eastbound on Grand Central Parkway towards Flushing, Queens, with her girlfriend, § 87(2)(b) who was in the front passenger seat. As § 87(2)(b) merged into Grand Central Parkway's far left lane, she saw a marked white and blue NYPD four-door Sedan with turret lights merge behind her into the left lane.

Immediately after § 87(2)(b) first noticed the police vehicle, Police Officer Joseph Vitale of Highway 03, spoke over the vehicle's loudspeaker, but her car windows were closed, and she could not hear what he was saying. § 87(2)(b) then rolled down her window and heard Police Officer Vitale say approximately twice, "Pull to the right lane." § 87(2)(b) followed Police Officer Vitale's instructions. As the marked police vehicle passed § 87(2)(b) car, § 87(2)(b) allegedly heard Police Officer Vitale say over the police vehicle's loudspeaker, "You retard" (**Allegation A - Offensive Language: Other**, § 87(2)(g)). After the police vehicle passed her car, § 87(2)(b) noticed that it continued driving eastbound on Grand Central Parkway's far left lane. § 87(2)(b) was not summonsed or arrested during this incident.

The CCRB received negative results for BWC and dashcam footage. However, the nature of the incident did not require the use of BWC as per Patrol Guide Procedure 212-123 (**Board Review 01**).

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Joseph Vitale made an offensive comment towards § 87(2)(b)

§ 87(2)(b) was interviewed by phone on September 28th, 2020 (**Board Review 02**). § 87(2)(b) was interviewed by phone on October 14th, 2020 (**Board Review 03**). Police Officer Joseph Vitale of Highway 03 was interviewed at the CCRB on April 30th, 2021 (**Board Review 04**).

§ 87(2)(b) stated that she was driving a white Subaru Outback on the Grand Central Parkway in the vicinity of Exit 6, when she merged into the far left lane, and saw a marked white and blue NYPD four-door sedan merge immediately behind her. After the police vehicle merged, § 87(2)(b) heard Police Officer Vitale use the vehicle's loudspeaker, but she could not hear what he was saying as her car windows were closed. § 87(2)(b) rolled down the driver's side window and heard Police Officer Vitale say approximately twice, "Pull to the right lane." § 87(2)(b) followed Police Officer Vitale's instructions and pulled into the right lane. As the marked police vehicle drove parallel to § 87(2)(b) car, § 87(2)(b) clearly heard Police Officer Vitale say over the loudspeaker, "You retard." After the police vehicle passed her, § 87(2)(b) saw that it continued to drive eastbound on Grand Central Parkway's far left lane.

§ 87(2)(b) and § 87(2)(b) statements were generally consistent with each other. § 87(2)(b) stated that as the police vehicle passed § 87(2)(b) car on the left side, she heard Police Officer Vitale clearly say over the loudspeaker, "You retard." § 87(2)(b) believed Police Officer Vitale directed his command to § 87(2)(b) as her car was the only one in the left-hand lane at that time.

Police Officer Vitale did not recall this incident. He stated that on September 18th, 2020, his memo

book indicated he had been assigned to a vehicle accident at approximately 11:51 a.m. at 184-32 Grand Central Parkway and arrived there at 12:25 p.m. and that was “all” he recalled from that day. Police Officer Vitale did not recall which highways he had been patrolling during his routine patrol, and he did not recall if he drove down Grand Central Parkway to arrive at the vehicle accident at 184-32 Grand Central Parkway. Police Officer Vitale did not recall if he interacted with any drivers using his vehicle’s loudspeaker before arriving on scene at the vehicle accident. Police Officer Vitale did not recall if he had said, “You retard” over his loudspeaker on the Grand Central Parkway on the date of this incident.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (**Board Review 05**).
- Police Officer Joseph Vitale has been a member of service for eight years and has been a subject in two other CCRB complaints and two other allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- A Notice of Claim search request was sent to the New York City Office of the Comptroller on May 12th, 2021. Any responsive Notice of Claim will be added to the case file upon receipt (**Board Review 06**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 2

Investigator: Julia Pagnamenta Inv. Pagnamenta 05/18/2021
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 5/19/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date